

Submission on publicly notified proposed district plan

Clause 6 of Schedule 1, Resource Management Act 1991

To: Chief Executive, Hutt City Council

Via email to district.plan@huttcity.govt.nz.

1. This is a submission by Jon Harris on the Proposed Lower Hutt District Plan 2025.
2. My email address for service is jon.harris.nz@gmail.com.
3. I could not gain an advantage in trade competition through this submission.
4. My main points are summarised in the Introduction section – paragraphs 7 to 13 . The specific provisions of the proposal that my submission relates to, my submission on those provisions, and the decisions I seek are shown in the below table. I also seek all further, alternative, necessary, or consequential relief as may be necessary to fully achieve the relief sought in this submission.
5. I wish to be heard in support of my submission.
6. If others make a similar submission, I will consider presenting a joint case with them at the hearing.

Introduction

7. I have been a property owner in Eastbourne, Lower Hutt for the last 27 years and have raised my family there. I have become concerned about aspects of the Council's proposed district plan that would significantly impact our property rights, make developing our property very difficult and significantly reduce the value of our property, especially based on insufficiently robust data and evidence.
8. The changes that most negatively impact our property are
 - The modelling changes that I understand were done in 2023 (that I only discovered through this District plan proposal process) that added the Natural hazard overlay (high risk for flooding) to our property
 - The proposed DP policy to avoid building and subdivision activity on properties classified as high risk for natural hazards
9. I am extremely disappointed by the Council's lack of consultation with landowners before changing the Natural hazard overlays in 2023. My property was directly, significantly and negatively affected by the council's policy change and I had no communication from the council so no opportunity to challenge the evidence for the changes.
10. I support data based decision making, but the modelling assumptions for the recent changes to the Natural hazard overlays are too speculative and too broad brush. Too

much emphasis is placed on this modelling while ignoring individual property facts. The modelling now classifies my property as a high risk for natural hazards, specifically flooding. But the effectiveness of drainage upgrades completed at my property have been ignored, as have how well the draining performed during the record rainfall over the winter of 2022.

11. I have talked to a number of other property owners in a similar situation. All have upgraded their drainage over the years and have not experienced any issues since, including the massive stress test of the 2022 winter. Yet our Council has classified our properties as high risk of flooding and are proposing to remove our existing rights to build on and develop out properties. This does not make any sense and is grossly unfair.
12. The proposed changes to the district plan to make subdivision very difficult for “high natural hazard” properties is excessive, unnecessary and again too broad brush. The existing measures are completely adequate and in fact provide a better balance of environmental protection and land/housing development. The existing measures are more precise by considering properties on a case by case basis, and allowing for site specific conditions such as finished floor level (FFL). The proposal is essentially a blanket ban on wider areas based on speculative data and will inhibit housing development.
13. The combination of the proposed changes to subdivision of “high natural hazard” properties and the recent changes to the criteria for natural hazards, is likely to cause more harm than good. The evidence for the changes is too speculative and not robust enough to justify such a significant negative impact in property rights, the ability to develop property and property values.

Decisions Requested

Proposed Lower Hutt District Plan - Part 2 – District-Wide Matters - HAZARDS AND RISKS - Natural Hazards

#	Chapter	Provision	Position	Reasons	Relief sought
1	NH — Natural Hazards	Whole chapter	Oppose	The combination of the proposed changes to subdivision of “high natural hazard” properties and the recent changes to the criteria for natural hazards is likely to cause more harm than good. The evidence for the changes is too speculative and not robust enough to justify such a significant negative impact in property rights, the ability to develop property and property values.	The evidence supporting these changes is clearly not robust enough to justify such financially crippling impacts on property owners. The proposed changes to reduce property rights including building and subdivision should be deleted.
2	NH — Natural Hazards	Whole chapter	Oppose	I support data based decision making but the modelling assumptions for the recent changes to the Natural hazard overlays are too speculative, too broad brush and not accurate for individual properties. Too much emphasis is placed on this modelling while ignoring key evidence of individual properties. The modelling now classifies my property as a high risk for natural hazards, specifically flooding. But the draining upgrades completed at my property have been ignored, as have how well the draining performed during the winter of 2022.	The evidence supporting these changes is clearly not robust enough to justify such financially crippling impacts on property owners. The proposed changes to reduce property rights including building and subdivision should be deleted.

#	Chapter	Provision	Position	Reasons	Relief sought
3	NH — Natural Hazards	Whole chapter	Oppose	Failure to consider risk mitigation - I understand that there was a historical issue with water pooling at the rear of the property (consistent with the area indicated by the High Flood Hazard Overlay) but a previous owner upgraded the drainage over 20 years ago which eliminated the issue. - I upgraded the drainage at the front of the property to deal with occasional water overflow from the sub-standard council roadside drains. I did this after no response to requests to Wellington Water to upgrade the roadside drains so this was resolved at my expense.	The evidence supporting these changes is clearly not robust enough to justify such financially crippling impacts on property owners. The proposed changes to reduce property rights including building and subdivision should be deleted. If the council does progress these changes then the hazard mitigation measures that owners have invested in to eliminate or reduce the risk should be considered for each property
4	NH — Natural Hazards	Whole chapter	Oppose	Failure to consider performance of drainage before classifying a property a high risk for flooding - The winter of 2022 was the wettest winter in recorded history (following an equally wet summer) so was an ideal stress test for drainage and flooding. The key assumption in the flooding modelling is a 35% increase in rainfall and the winter of 2022 included: - July - Rainfall in July was up 200% on long-term seasonal averages. - August was up 170% and - June was up 160%. The fact that my property's drainage performed faultlessly and prevented flooding during such massive rainfall is pretty strong evidence that the high risk classification is incorrectly applied to my property	The evidence supporting these changes is clearly not robust enough to justify such financially crippling impacts on property owners. The proposed changes to reduce property rights including building and subdivision should be deleted. If the council does progress these changes for the flooding hazard, then performance of drainage and whether any flooding actually occurred in the stress test of the winter of 2022 should be considered for each property

#	Chapter	Provision	Position	Reasons	Relief sought
5	NH — Natural Hazards	Whole chapter	Oppose	The proposed changes to the district plan to make subdivision very difficult for “high natural hazard” properties is excessive, unnecessary and again too broad brush.	The existing measures are suitable and in fact provide a better balance of environmental protection and land/housing development. The existing measures are more precise by considering properties on a case by case example and allowing for site specific conditions such as finished floor level (FFL). The proposal is essentially a blanket ban on wider areas based on speculative data and will inhibit housing development.

Jon Harris
May 2 2025
